The Examiner contends that the inventions of Groups I and II are distinct from each other. Applicant respectfully traverses the Restriction Requirement and asserts that even assuming, *arguendo*, that Groups I and II represent distinct or independent inventions, to search and examine the subject matter of Groups I and II together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eigth Edition, August 2001) states:

> If the search and examination of an application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant respectfully asserts that the subject matter of Groups I and II are so intertwined that a single search would identify any relevant art pertaining to the administration of an interferon antagonist to a human subject with dementia or Alzheimer's disease. Alzheimer' disease is a type of dementia characterized by β-amyloid deposition. Further, Applicant directs the Examiner's attention to the fact that both groups are classified in the same class (*i.e.*, class 424). Thus, a single search should, without undue burden, identify any art relevant to methods of treating dementia or Alzheimer's disease. Accordingly, Applicant respectfully requests that the restriction under 35 U.S.C. § 121 to Groups I and II be withdrawn and all of the claims examined in the subject application.

In order to be fully responsive, however, Applicant hereby elects to prosecute the claims of Group I, claims 18-19, 22-24, 26, 28, 30, 32 and 34, drawn to a method of treating dementia, with traverse, without prejudice to Applicant's right to pursue the non-elected subject matter in related applications.

In addition to the election of Group I or II, the Examiner has required an election under 35 U.S.C. § 121 of one of the following embodiments:

A. A soluble interferon receptor.

B. An interferon fragment.

C. A sequence that is derived from an interferon that occupies the receptor binding site but does not activate the receptor.

D. An antibody.

E. A protein comprising an interferon-binding portion of an interferon receptor.

The Examiner contends that A-E are different products and constitute

patentably distinct inventions. Applicant respectfully traverses the Restriction Requirement and asserts that even assuming, *arguendo*, that A-E represent distinct or independent inventions, to search and examine the subject matter of A-E together would not be a serious burden on the Examiner. A-E represent different types of interferon antagonists that reduce bioavailable interferon. Thus, a single search should, without undue burden, identify any art relevant to methods of treating dementia or Alzheimer's disease by administering to a human subject an interferon antagonist of any one of types A-E. Accordingly, Applicant respectfully requests that the restriction under 35 U.S.C. § 121 to A-E be withdrawn and all of the interferon antagonists examined in the subject application. At a minimum, Applicant respectfully requests that the restriction be modified to a species election.

In order to be fully responsive, however, Applicant hereby elects to prosecute A, in particular, claims of 18, 19, 22, 23, 24, 28, 30, 32 and 34, directed to a method of treating dementia by administering to a human subject an interferon antagonist which is a soluble interferon receptor, with traverse, without prejudice to Applicant's right to pursue the non-elected subject matter in related applications.

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

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